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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES OF AMERICA,	)	Magistrate Docket No. '08 MJ 0277
Plaintiff,	)	
	)	COMPLAINT FOR VIOLATION OF:
v.	)	
	)	Title 8, U.S.C., Section 1326
Felix MONTANO-Figueroa,	)	Deported Alien Found in the
	)	United States
Defendant	)	

The undersigned complainant, being duly sworn, states:

On or about **January 29, 2008** within the Southern District of California, defendant, **Felix MONTANO-Figueroa,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **30th** DAY OF **JANUARY 2008**

Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Felix MONTANO-Figueroa

PROBABLE CAUSE STATEMENT

On January 29, 2008, Border Patrol Agent S. Kennerson responded to a seismic intrusion device in an area known as "East Smuggler's". This area is located approximately three miles west of the San Ysidro, California Port of Entry and approximately 100 yards north of the United States/Mexico International Boundary. Agent Kennerson was advised by a United States Border Patrol Helicopter Unit that two individuals were concealing themselves in brush near East Smuggler's. He followed the spotlight of the Helicopter Unit and approached the two individuals hiding in the dense brush. Agent Kennerson identified himself as a Border Patrol Agent. and conducted an immigration inspection. Both individuals, including one later identified as the defendant **Felix MONTANO-Figueroa**, freely admitted to being citizens and nationals of Mexico, without any immigration documents that would allow them to be or remain in the United States. Both individuals were arrested at approximately 2:20 A.M. and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **November 26, 2007** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant freely admitted to being a citizen and national of Mexico illegally present in the United States without any immigration documents that would allow him to be or remain in the United States legally. He further stated that he had not requested permission from the Attorney General to re-enter the United States.